

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Luc UYLENBROECK et al. :
Serial No. NEW : Attn: APPLICATION BRANCH
Filed August 7, 2003 : Attorney Docket No. 2003_1110

A METHOD FOR PREVENTING THE
ONSET OF ASTHMA
(Rule 1.53(b) Continuation
of Serial No. 10/114,257,
Filed April 3, 2002)

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of ☒ the references listed on attached form PTO-1449 and/or ☐ the additional information identified below in paragraph 3. A legible copy of each reference listed on the form PTO-1449 and each U.S. patent application listed below is enclosed, except a copy is not provided for each reference previously cited by or submitted to the Patent Office in prior parent application Serial No. 10/114,257.

1a. ☒ This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application, or

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

and thus no certification and/or fee is required.

1b. ☐ This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

(1) ☐ the certification of paragraph 2 below is provided, **or**

(2) ☐ the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

1c. ☐ This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

the certification of paragraph 2 below is provided, and

the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

2. It is hereby certified

a. ☐ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or

b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

3. ☐ Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.

4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:
- a. ☐ a full or partial English language translation submitted herewith,
 - b. ☐ a foreign patent office search report (in the English language) submitted herewith,
 - c. ☒ the concise explanation contained in the specification of the present application at pages 1 and 2,
 - d. ☐ the concise explanation set forth in the attached English language abstract,
 - e. ☐ the concise explanation set forth below or on a separate sheet attached to the reference:
5. ☐ A foreign patent office search report citing one or more of the references is enclosed.

Respectfully submitted,

Luc UYLENBROECK et al.

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August 7, 2003

Sheet 1 of 3							
FORM PTO 1449 (modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT(S) (Use several sheets if necessary) Date Submitted to PTO: August 7, 2003				ATTY DOCKET NO. 2003_1110		SERIAL NO. New	
APPLICANT Luc UYLENBROECK et al.				FILING DATE August 7, 2003		GROUP	
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A	4,525,358	6/85	Baltes et al.	514	255	
	B	5,478,941	12/95	Cossement et al.	544	383	
	C	5,698,558	12/97	Gray	514	255	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	D	0 617 028	9/94	EP			
	E	94/06430	3/94	WO			
	F	0 058 146	8/82	EP			
	G	2 311 940	1/97	GB			
	H	0 661 975	3/99	EP			
	I	94/06429	3/94	WO			
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)							
	J	K. P. PAUL, "ETAC: an Update", International Journal of Immunopathology and Pharmacology, Vol. 10, No. 2, pp. 127-128, 1997.					
	K	U. WALN, "Allergic factors associated with the development of asthma and the influence of cetirizine in a double-blind, randomised, placebo-controlled trial: First results of ETAC", Pediatric Allergy and Immunology, Vol. 9, No. 3, pp. 116-124, August, 1998.					
	L	L. FASCE et al., "Cetirizine Reduces ICAM-I on Epithelial Cells during Nasal Minimal Persistent Inflammation in Asymptomatic Children with Mite-Allergic Asthma", Int. Arch. Allergy Immunol. Vol. 109, No. 3, pp. 272-276, 1996.					
	M	A. Brik et al., "Effect of cetirizine, a new histamine H ₁ antagonist, on airway dynamics and responsiveness to inhaled histamine in mild asthma", Vol. 80, No. 1, pp. 51-56, 1987.					
	N	J.O. WARNER et al, "Determinants of total and specific IgE in infants with atopic dermatitis", Pediatric Allergy and Immunology, Vol. 8, pp. 177-184, November, 1997.					
	O	J.H. DIJKMAN et al., "Prophylactic treatment of grass pollen-induced asthma with cetirizine", Clinical and Experimental Allergy, Vol. 20, pp. 483-490, September, 1990.					
EXAMINER				DATE CONSIDERED			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered
 Include copy of this form with next communication to applicant.

Sheet 2 of 3							
FORM PTO 1449 (modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT(S) <i>(Use several sheets if necessary)</i> Date Submitted to PTO: August 7, 2003				ATTY DOCKET NO. 2003_1110		SERIAL NO. New	
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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	INVENTOR	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	AB						
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)							
	AC	C. DE VOS et al., "Antihistamines and allergic asthma", Allergie et Immunologie, Vol. 23, No. 9, pp. 396-401, November, 1991.					
	AD	D. TASHKIN et al., "Cetirizine inhibition of histamine-induced bronchospasm", Vol. 59, pp. 49-52, December, 1987.					
	AE	G. Bruttman et al., "Protective effect of cetirizine in patients suffering from pollen asthma", Annals of Allergy, Vol. 64, pp. 224-228, February, 1990.					
	AF	H. REDIER et al., "Inhibitory effect of cetirizine on the bronchial eosinophil recruitment induced by allergen inhalation challenge in allergic patients with asthma", Journal of Allergy and Clinical Immunology, Vol. 90, No. 2, pp. 215-224, August, 1992.					
	AG	J.B. WASSERFALLEN et al., "Effect of cetirizine, a new H ₁ antihistamine, on the early and late allergic reactions in a bronchial provocation test with allergen", Journal of Allergy and Clinical Immunology, Vol. 91, NO. 6, pp. 1189-1197, June, 1993.					
	AH	J.A. GRANT et al., "Safety and efficacy of cetirizine (CET) in the prophylactic management of patients with seasonal allergic rhinitis (SAR) and asthma", Vol. 91, No. 1, p. 197, March 12-17, 1993.					
	AI	J.O. Warner, "Early treatment of the atopic child", Pediatric Allergy and Immunology, vol. 8, (Suppl. 10) pp. 46-48, 1997.					
	AJ	Schwartz, "Cetirizin auch fur kleine kinder", Pharmazie, vol. 20, no. 138, page 34, May 20, 1993.					
	AK	Anonymous, "Mit ETAC gegen fruhes allergisches asthma", Notfall Medizin, vol. 21, no. 3, page 157, 1995.					
	AL	Anonymous, Pediatric Allergy and Immunology, 8(4), 177-84 (abstract).					

EXAMINER	DATE CONSIDERED
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Sheet 3 of 3							
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	BA						
	BB						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	BC						
	BD						
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)							
	BE	"Medical researchers aim at fundamental better protection and treatment of the atopic child", ETAC Science, pp. 1-8, January 1994.					
	BF	"Asthma prevention in risk children: Cetirizine", pp. 61-62, 1995.					
	BG	I. Trieloff, Pädiatrie, "Early treatment of the atopic child", pp. 390-391, 1995.					
	BH	Castello, D., Ital. Pediatr. "The role of early intervention in childhood asthma therapy", pp. 8224-827, 1998.					
	BI	E. Bidat et al., Le Concours Médical, "The treatment of childhood asthma", pp. 3021-3026, 1991.					
	BJ	L. Businco et al., Minerva Pediatrica, "From atopic dermatitis to asthma", pp. 477-481, 1997.					
	BK	B. Schwarz, Pharmazie, "Treatment with cetirizine also for children", p 34, 1993.					
	BL	S. Matsubara et al., Japanese Pharmacology & Therapeutics, 25(4), "Effect of betotastine basilate on experimental asthma model in guinea pigs", pp. 31-36, 1997.					
	BM	Rukwied et al., Inflammation Research, 46(9), 336-341 (1997) (abstract).					
EXAMINER				DATE CONSIDERED			

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